

November 22, 2021

Application **GRANTED**. The deadline for fact discovery is extended to **February 25, 2022**, and the deadline for expert discovery is extended to **May 27, 2022**. A Third Amended Civil Case Management Plan and Scheduling Order will issue separately.

**VIA ELECTRONIC FILING**

Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 146.

Dated: November 24, 2021  
New York, New York



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

**Re: *Kewazinga Corp. v. Google LLC*, Case No. 1:20-cv-1106-LGS (S.D.N.Y.)**  
Joint Letter Regarding Extension

Dear Honorable Judge Schofield:

In response to the Court’s November 16 Order (D.I. 148), Plaintiff Kewazinga Corp. (“Kewazinga”) and Defendant Google LLC (“Google”) write to clarify why the parties’ jointly requested extension of time to complete fact discovery (D.I. 146) is justified.

The parties have worked diligently, collaboratively, and without burdening the Court to efficiently conduct and complete fact discovery. (See D.I. 147, November 12, 2021 Joint Status Letter.) Through those efforts, the parties have exchanged significant amounts of information related to the issues in this case. Google has made a significant amount of its highly sensitive source code available for review. (See *id.* at 7–9.) This source code review is ongoing, including additional source code that Google made available for inspection last Wednesday, November 17. Kewazinga anticipates that motion practice may be necessary to resolve disputes between the parties regarding the production of additional source code. The parties are otherwise now nearing the substantial completion of document discovery and preparing for depositions. (The parties previously agreed in August not to serve further requests for production, interrogatories, or requests for admission.)

Fact discovery is currently scheduled to close on December 17, 2021. The parties respectfully request a brief, approximately two-month extension to the fact discovery period (as set forth in D.I. 146) for two reasons. **First**, in the past month, the parties have produced approximately 2,500 additional documents, while Google has produced additional source code and source code printouts to Kewazinga. (See *id.* at 7–9.) Third parties with documents concerning alleged prior art to the patents-in-suit have also produced hundreds of documents to the parties within the last two weeks. The parties respectfully submit that the additional time will permit the parties to complete meaningful review of these document productions before depositions begin—thereby potentially avoiding the prospect of deposing witnesses multiple times in light of substantial new document productions.

**Second**, as set forth below, the parties currently expect to conduct at least ten fact depositions. Google expects to designate at least six witnesses in response to 49 topics identified in Kewazinga’s Rule 30(b)(6) notice of deposition to Google. Kewazinga intends to offer at least



two fact witnesses for deposition. And the parties expect to depose at least two third parties. In light of the Thanksgiving, Christmas, and other end-of-year holidays, as well as other personal and professional obligations of the deponents, the parties do not believe they will be able to complete those depositions under the current schedule.

In view of those concerns, the parties conferred and agreed to request the little over two month extension set forth in their November 12 letter (D.I. 146). No trial date has been set in this case. Under the current schedule, expert discovery is set to close on March 17, 2022; under the parties' proposal, expert discovery would close in May 2022. For these reasons, the parties respectfully request that the Court grant the extensions set forth in D.I. 146.

### **Depositions**

In the November 16 Order, the Court also instructed the parties to set forth the names of each individual—including experts if known—to be deposed in this litigation, a brief description of their role or relevant position, and a date certain for their deposition. The parties provide that information below and have agreed to continue working collaboratively to schedule depositions within the parties' proposed new deadlines in the event that witness or counsel availability requires modification of any of the dates set forth below. The parties anticipate that at least the depositions of Kewazinga and Google fact witnesses will be conducted remotely.

### **Fact Witness Depositions**

<b>Deponent</b>	<b>Role/Relevant Position</b>	<b>Date of Deposition</b>
Jim Maccoun	Mr. Maccoun is Patent Counsel at Google.  Google currently expects that Mr. Maccoun will testify in his personal capacity and as Google's corporate representative in response to certain topics of Kewazinga's 30(b)(6) notice.	January 21, 2022
Shere Saidon	Mr. Saidon works in a financial analyst role at Google.  Google currently expects that Mr. Saidon will testify in his personal capacity and as Google's corporate representative in response to certain topics of Kewazinga's 30(b)(6) notice.	February 1, 2022



Deponent	Role/Relevant Position	Date of Deposition
Steven Silverman	<p>Mr. Silverman is a Senior Technical Program Manager for the accused product, Google Street View.</p> <p>Google currently expects that Mr. Silverman will testify in his personal capacity and as Google's corporate representative in response to certain topics of Kewazinga's 30(b)(6) notice.</p>	February 4, 2022
Stafford Marquardt	<p>Mr. Marquardt is the Product Manager for the accused product, Google Street View.</p> <p>Google currently expects that Mr. Marquardt will testify in his personal capacity and as Google's corporate representative in response to certain topics of Kewazinga's 30(b)(6) notice.</p>	February 8, 2022
Daniel Filip	<p>Mr. Filip is an Area Tech Lead of Maps and Augmented Reality at Google.</p> <p>Google currently expects that Mr. Filip will testify in his personal capacity and as Google's corporate representative in response to certain topics of Kewazinga's 30(b)(6) notice.</p>	February 11, 2022
Dan Thomasset	<p>Mr. Thomasset is a Software Engineer team lead manager for the accused product, Google Street View.</p> <p>Google currently expects that Mr. Thomasset will testify in his personal capacity and as Google's corporate representative in response to certain topics of Kewazinga's 30(b)(6) notice.</p>	February 15, 2022



<b>Deponent</b>	<b>Role/Relevant Position</b>	<b>Date of Deposition</b>
Joe Data	<p>Mr. Data is a Program Manager for the accused product, Google Street View.</p> <p>Google currently expects that Mr. Data will testify in his personal capacity and as Google's corporate representative in response to certain topics of Kewazinga's 30(b)(6) notice.</p>	January 28, 2022
Leonard Smalheiser	<p>Mr. Smalheiser is Kewazinga's President and has knowledge of the technology relating to the Patents-in-Suit and Kewazinga's products, commercialization efforts, and communications with Google and others.</p> <p>Kewazinga currently expects that Mr. Smalheiser will testify in his personal capacity.</p>	February 2, 2022
David Worley	<p>Mr. Worley is Kewazinga's Chairman, CEO, and General Counsel, a named inventors of the Patents-in-Suit, and has knowledge of the conception and development of the technology of the Patents-in-Suit and Kewazinga's technology, commercialization efforts, and communications with Google and others.</p> <p>Kewazinga currently expects that Mr. Worley will testify in his personal capacity and as Kewazinga's corporate representative in response to Google's 30(b)(6) notice.</p>	February 7, 2022

### Third Party Depositions

<b>Third Party Deponent</b>	<b>Role/Relevant Position</b>	<b>Date of Deposition</b>
William Johnston	Mr. Johnston has knowledge regarding the prior art system TerraVision.	January 27, 2022



Third Party Deponent	Role/Relevant Position	Date of Deposition
Eric Zarakov	Mr. Zarakov has knowledge regarding the prior art system QuickTime VR.	January 14, 2022

**Expert Depositions**

Expert Deponent	Role/Relevant Position	Date of Deposition
Paul Meyer	Google currently expects Mr. Meyer to testify as an expert witness concerning damages-related issues.	May 24, 2022
Dr. Anselmo Lastra	Google currently expects Dr. Lastra to testify as an expert witness concerning non-infringement and invalidity of the Patents-in-Suit.	May 25, 2022
Jeffrey Lubin	Kewazinga currently expects Dr. Lubin to testify as an expert witness concerning the technology of the Patents-in-Suit, infringement, and validity.	May 19, 2022
Kenneth Amron	Kewazinga currently expects that Dr. Amron will testify regarding the source code for the Accused Products.	May 27, 2022
Michelle Riley	Kewazinga currently expects Ms. Riley to testify as an expert witness concerning damages.	May 18, 2022



Dated: November 22, 2021

/s/ Ian G. DiBernardo

Ian G. DiBernardo  
Kenneth L. Stein  
Timothy J. Rousseau  
**BROWN RUDNICK LLP**  
7 Times Square  
New York, New York 10036  
Tel: (212) 209-4800  
Fax: (212) 209-4801  
idibernardo@brownrudnick.com  
kstein@brownrudnick.com  
trousseau@brownrudnick.com

Timothy K. Gilman  
Saunak K. Desai  
Gregory R. Springsted  
**STROOCK & STROOCK & LAVAN LLP**  
180 Maiden Lane  
New York, New York 10038  
Tel: (212) 806-5400  
Fax: (212) 806-6006  
tgilman@stroock.com  
sdesai@stroock.com  
gspringsted@stroock.com

*Counsel for Plaintiff*  
*Kewazinga Corp.*

Respectfully submitted,

/s/ Steven M. Balcof

John M. Desmarais  
jdesmarais@desmaraisllp.com

Steven M. Balcof  
sbalcof@desmaraisllp.com

Elizabeth Weyl

eweyl@desmaraisllp.com

Ryan Dowell  
rdowell@desmaraisllp.com

**DESMARAIS LLP**

230 Park Avenue  
New York, New York 10169  
Tel: (212) 351-3400  
Fax: (212) 351-3401

Ameet A. Modi  
amodi@desmaraisllp.com  
Yong Wang (*pro hac vice*)  
lwang@desmaraisllp.com

**DESMARAIS LLP**

101 California Street  
San Francisco, California 94111  
Tel: (415) 573-1900  
Fax: (415) 573-1901

Tuhin Ganguly (*pro hac vice pending*)  
tganguly@desmaraisllp.com

**DESMARAIS LLP**

1701 Pennsylvania Avenue NW, Suite 200  
Washington, D.C. 20006  
Tel: (202) 451-4900  
Fax: (202) 451-4901

*Counsel for*  
*Defendant Google LLC*